



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **C-1**

August 12, 2004

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**LIVE OAK AVENUE UNDERGROUND UTILITY DISTRICT
SUPERVISORIAL DISTRICT 5
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

1. Find that this project is exempt from the provisions of CEQA.
2. Finding no protests, adopt the enclosed resolution establishing the Live Oak Avenue Underground Utility District and adopt the enclosed ordinance amending Division 2 of Title 16 of the Los Angeles County Code, Undergrounding of Utilities Ordinance, by adding Section 16.34.247, or
3. Overrule all protests and adopt the enclosed resolution establishing the Live Oak Avenue Underground Utility District and adopt the enclosed ordinance amending Division 2 of Title 16 of the Los Angeles County Code, Undergrounding of Utilities Ordinance, by adding Section 16.34.247, or
4. Adopt the enclosed resolution, with modifications, establishing the Live Oak Avenue Underground Utility District and adopt the enclosed ordinance amending Division 2 of Title 16 of the Los Angeles County Code, Undergrounding of Utilities Ordinance, by adding Section 16.34.247, or

5. Adopt an order abandoning the Underground Utility District proceedings in the event your Board finds in favor of the protestants.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The proposed district would provide for the undergrounding of existing overhead electrical and communication facilities along Live Oak Avenue from the City of Arcadia boundary to the City of Monrovia boundary. It would also require future facilities of this type to be placed underground.

Pursuant to the provisions of the Undergrounding of Utilities Ordinance, Division 2 of Title 16 of the Los Angeles County Code, the Department of Public Works has consulted with the affected utility companies and has determined that the undergrounding of existing overhead electrical and communication facilities will eliminate the present concentration and avoid the future concentration of overhead electric and communication facilities and that Live Oak Avenue, in the area described below, is extensively used by the general public and carries a heavy volume of traffic.

The proposed underground utility district, to be known as the Live Oak Avenue Underground Utility District, extends for a distance of 4,000 feet and is described as follows.

That portion of the unincorporated territory of the County of Los Angeles within a strip of land 136 feet wide, lying 68 feet on each side of and parallel to the centerline of Live Oak Avenue beginning at City of Arcadia boundary, thence easterly approximately 4,000 feet along the centerline of Live Oak Avenue to the City of Monrovia boundary.

Implementation of Strategic Plan Goals

Formation of this underground utility district is consistent with the County Strategic Plan Goal of Service Excellence since it will improve the appearance of the area and enhance safety through the undergrounding of pole-mounted electrical and communication facilities.

FISCAL IMPACT/FINANCING

No cost to the County. The cost of undergrounding the portion of the existing overhead lines within the street right of way will be borne by the affected utility companies. Conversions of electrical services to adjacent residences and businesses from an overhead to an underground feed will be paid from Rule 20A funds.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Government Code Section 26230 contemplates that counties have the power and authority to implement underground utility ordinances such as the proposed ordinance.

In addition, on the basis of the Public Utility Commission's decision in Case No. 8209 on September 19, 1967, each electrical utility company under the jurisdiction of the PUC now sets aside a percentage of its revenues to be used for the purpose of placing underground its existing overhead wires and other facilities each year.

In its ruling, the PUC prescribes that the governing body of the county in which funds are set aside by the utility for undergrounding of overhead wires and other facilities must determine, after holding public hearings on the subject, that such undergrounding is in the general public interest for one or more of the following reasons.

- Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.
- Said street, road, or right of way is extensively used by the general public and carries a heavy volume of pedestrian and/or vehicular traffic.
- Said street, road, or right of way adjoins or passes through a civic area, public recreation area, or an area of unusual scenic interest to the general public.

In addition, the ordinance creating an underground district in the area in which both the existing and new facilities are and will be located, must require:

- That all existing overhead connection and electrical distribution facilities shall be removed.

--That each property owner served from such overhead distribution facilities shall provide all changes on his/her premises necessary to receive service from the underground facilities as soon as it is available.

--Must authorize the utility to discontinue its overhead service.

Last, the length of the undergrounding has to exceed the PUC's minimum distance of one block or 600 feet, whichever is the lesser.

Pursuant to Section 16.32.060 of Division 2 of Title 16 of the Los Angeles County Code, a public hearing shall be held for the proposed Underground Utility District. Notice of the public hearing has been publicized in a newspaper of general circulation.

If after the public hearing your Board finds that, based on one or more of the reasons specified in Section 16.32.060, it is in the general public interest to declare the area along Live Oak Avenue within the above-described limits to be an underground utility district, you may adopt the enclosed resolution, approved as to form by County Counsel, declaring and establishing the Live Oak Avenue Underground Utility District and amending Division 2 of Title 16 of the Los Angeles County Code, Undergrounding of Utilities Ordinance, by adding Section 16.34.247 to said Ordinance. The proposed amendment to said ordinance, approved as to form by County Counsel, with an analysis thereof is enclosed.

Pursuant to Sections 16.32.070 and 16.32.080 of Division 2 of Title 16 of the Los Angeles County Code, a written notice will be sent to the affected utility companies, property owners, and business owners within the proposed Underground Utility District advising them of their responsibility in regard to the undergrounding of the overhead facilities.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt pursuant to Class 1, Subsection (x)(21), of the revised Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Improved appearance of the area and more reliable utility services will be provided to adjacent property owners due to the undergrounding.

The Honorable Board of Supervisors
August 12, 2004
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CONCLUSION

Please return two copies of the adopted ordinance and two approved copies of this letter to Public Works.

Respectfully submitted,

DONALD L. WOLFE
Interim Director of Public Works

CG:rm

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Enc.

cc: Chief Administrative Office
County Counsel

A RESOLUTION ESTABLISHING LIVE OAK AVENUE UNDERGROUND UTILITY
DISTRICT PURSUANT TO DIVISION 2, TITLE 16, LOS ANGELES COUNTY CODE

WHEREAS, pursuant to the provision of Section 16.32.060, Division 2 of Title 16, Los Angeles County Code, consultations have been held with Southern California Edison Company, Adelphia, Charter Communications, and Southern Bell Company (SBC) regarding utilities affected by the proposed establishment of an underground utility district along Live Oak Avenue within the unincorporated territory of the County of Los Angeles and,

WHEREAS, a Public Hearing upon the matter of the formation of said underground utility district has been duly noticed and held on _____; and,

WHEREAS, this was the time and place for said Hearing, and the Board having heard and received all evidence presented, and being fully advised in the premises;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED AS FOLLOWS:

1. Live Oak Avenue within the boundaries of said district is extensively used by the general public and carries a heavy volume of vehicular traffic.
2. Within said district, existing overhead electrical and communication facilities shall be removed and replaced with underground electrical and communication facilities and any future or new electrical and communication facilities located within said district shall be underground facilities.
3. Undergrounding of existing overhead electrical and communication facilities within the said district will eliminate present and future concentrations of overhead electrical and communication facilities.
4. That it is in the general public interest that an underground utility district to be known as the "Live Oak Avenue Underground Utility District" be established within the hereinafter described area.
5. The boundaries of the Live Oak Avenue Underground Utility District are described as follows:

That portion of the unincorporated territory of the County of Los Angeles within a strip of land 136 feet wide, lying 68 feet on each side of and parallel to the centerline of Live Oak Avenue beginning at City of Arcadia boundary, thence easterly approximately 4,000 feet along the centerline of Live Oak Avenue to the City of Monrovia boundary.

The foregoing resolution was on the ____ day of _____, 2004, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.

VIOLET VARONA-LUKENS
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:
OFFICE OF COUNTY COUNSEL

By _____
Deputy

ANALYSIS

This ordinance amends Chapter 16.34 of Division 2, "Undergrounding of Utilities," Title 16 - Highways of the Los Angeles County Code, creating the Live Oak Avenue Underground Utility District, which adds an additional area to those previously designated as underground utility districts.

The creation of the Live Oak Avenue Underground Utility District provides that overhead electrical and communication facilities within the district will be removed and replaced with underground electrical and communication facilities and future electrical and communication facilities within the district will be underground facilities.

OFFICE OF THE COUNTY COUNSEL

By



WARREN R. WELLEN
Senior Deputy County Counsel
Public Works Division

WRW:gm

7/29/04
8/3/04

(Requested)
(Revised)

ORDINANCE NO. _____

An ordinance amending Title 16 - Highways of the Los Angeles County Code, creating the Live Oak Avenue Underground Utility District, under Chapter 16.34 of Division 2, "Undergrounding of Utilities".

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 16.34 is hereby amended by adding Section 16.34.247 to read as follows:

16.34.247 Live Oak Avenue Underground Utility District.

The following area shall constitute and be known as the Live Oak Avenue Underground Utility District:

That portion of the unincorporated territory of the County of Los Angeles within a strip of land 136 feet wide, lying 68 feet on each side of, and parallel to the centerline of Live Oak Avenue beginning at City of Arcadia boundary, thence easterly approximately 4,000 feet along the centerline of Live Oak Avenue to the City of Monrovia boundary.

[1634227WWCOC]

INSTRUCTION SHEET FOR PUBLISHING
LEGAL ADVERTISEMENTS

TO: Executive Officer of the Board
Board of Supervisors
County of Los Angeles

FROM: Department of Public Works
Construction Division

**NOTICE OF HEARING
LIVE OAK AVENUE UNDERGROUNDING DISTRICT**

PUBLISHING

Pursuant to Section 16.32.060 of Division 2 of Title 16 of the Los Angeles County Code, a public hearing shall be held prior to the formation of an underground utility district. Discussion of the advertisement requirements with County Counsel reveals that there are no legal requirements for advertising on these projects. However, as a courtesy to residents, business owners, and utilities, we request that your office publish the attached notice of hearing. Publication of the notice shall be at the discretion of the Executive Office.

Should there be any questions regarding this matter, please contact Ms. Angela George at ageorge@ladpw.org or (626) 458-3109, Monday through Thursday, 7 a.m. to 5:30 p.m.

Attach.

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NOTICE OF HEARING
LIVE OAK AVENUE UNDERGROUNDING DISTRICT

Notice is hereby given that a project analysis by the Director of Public Works has been filed with the Board of Supervisors of the County of Los Angeles recommending the adoption of a resolution establishing the Live Oak Avenue District. The proposed district would provide for the undergrounding of existing overhead electrical and communication facilities along Live Oak Avenue from the City of Arcadia Boundary to the City of Monrovia Boundary. It would also require future facilities of this type to be placed underground.

Tuesday, _____, 2004, at _____ in Room _____ of the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, is the time and place which has been fixed by the Board of Supervisors to consider this matter. Any person wishing to be heard on this matter may appear before the Board of Supervisors and show cause why the establishment of this undergrounding district should not be adopted.

For further information regarding this matter, please contact Angela George of the County of Los Angeles Department of Public Works, Construction Division, Utilities and Substructures Unit, at ageorge@ladpw.org or (626) 458-3109, Monday through Thursday, 7 a.m. to 5:30 p.m.

Upon 72 hours' notice, the County can provide program information and publications in alternate formats or make other accommodations for people with disabilities. In addition, documents are available at the Kenneth Hahn Hall of Administration in Los Angeles (500 West Temple Street), which is accessible to individuals with disabilities. To request accommodations ONLY, or for more ADA information, please contact our ADA Coordinator at (626) 458-4081 or TDD (626) 282-7829, Monday through Thursday, 7 a.m. to 5:30 p.m.

Si, no entiende este anuncio o necesita mas informacion, por favor llame a Angela George del Departamento de Obras Publicas al ageorge@ladpw.org o (626) 458-3109, de lunes a jueves, 7 a.m. a 5:30 p.m.

ARG:ts

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